

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

October 12, 2011

The meeting was called to order at 4:03 p.m. by Chairman Brent Fuller at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Jack Matheson, Terri Mills, Phil Conder, and Joe Garcia

ABSENT:

Barbara Thomas and Imaan Bilic

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik, Jody Knapp, Ron Weibel, and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Claire Gillmor, Assistant City Attorney

AUDIENCE

Approximately eight (8) people were in the audience

GENERAL PLAN/ZONE CHANGE APPLICATION

GPZ-2-2011

Hiram Bertoch

6057 West 3500 South

General Plan change from medium density residential to neighborhood commercial

Zone Change from A to C-1

0.75 Acres

Hiram Bertoch has submitted a General Plan/zone change application for two parcels totaling 0.75 acres located at 5628 West Parkway Blvd. The property is currently zoned A (agriculture) with a General Plan designation of medium density residential (7 to 12 units/acre). The proposed zone is C-1 (neighborhood commercial) and the proposed General Plan designation is neighborhood commercial.

Surrounding zones include A and R-1-8 to the north; A and R-1-10 to the west; R-1-10, A and C-1 to the south and A and C-1 to the east. Surrounding uses include single family homes on the north and east, undeveloped property to the south and commercial and a single family home to the east.

If this application is approved, the applicant plans to develop the property into an office building. The existing home and shed on the property would be demolished. Attached to this report is a concept plan showing how the applicant would like to develop the property. While a General Plan/rezone application is not where we get into site plan review, some considerations that will impact the site plan if this application is approved are right-of-way dedication along 3500 South, parking layout standards and landscaping standards.

Also attached to this report is a letter from the applicant outlining reasons for the suggested change, information about his business and proposed building, and how the proposed building fits into the City's plan. As indicated in the applicant's letter, the property to the east is planned to eventually be incorporated in with the subject property. The applicant also provided a second concept showing how this property to the east could be developed as additional parking.

Both the C-1 and RB Zones would accommodate an office building. Generally speaking, the RB zone allows office uses and prohibits retail and automotive uses. The C-1 zone allows office uses and limited retail while also prohibiting automotive uses. A complete list of permitted and conditional uses for the RB and C-1 zones is attached.

The table below compares the standards between the C-1 and RB Zones:

	C-1	RB
Front setback (when next to residential)	20' (25')	25'
Side setback (adjacent to residential)	0' (10')	10'
Rear setback (adjacent to residential)	0' (10')	20'
Landscaping percentage	20%	20%
Height limitation	2.5 stories or 35', whichever is less	2.5 stories or 35'

Staff Alternatives:

1. Approval of the zone change from A to C-1 and the General Plan change from medium density residential to neighborhood commercial.
2. Approval of the zone change from A to C-1 and the General Plan change from medium density residential to neighborhood commercial subject to a development agreement that limits the use of the property to office only.
3. Approval of a zone change from A to RB (residential business) and a General Plan change from medium density residential to office.
4. Continuance for reasons determined at the public hearing.
5. Denial, the property should be residential.

Applicant:

Hiram Bertoch
6091 W 3500 S

Favored:

Henry Bertoch
6088 Garden Gate Dr.

Discussion: Steve Pastorik presented the application. Jack Matheson asked if landscaping requirements will be met with this proposed layout. Steve replied that the site will need to be engineered at some point and minimum landscaping requirements will have to be met as per the ordinance. Phil Conder asked if the office building will be replacing the home. Steve replied yes. Harold Woodruff asked if this application would still go to City Council if it were denied by the Planning Commission. Steve replied yes.

Hiram Bertoch, the applicant, stated that his business has been operating for 13 years. He stated that this land and the City of West Valley have a very personal value to him and he has always wanted his business to be constructed in this area. He stated that he will ensure the property looks good and is well maintained because community is very important to him. Brent Fuller asked if the property to the east has been acquired. Mr. Bertoch stated that the property is owned by his aunt and she (as well as her children) have given verbal consent that he will have the first right of purchase. Jack Matheson asked why the applicant has not decided to rezone the property to the east now as well. Mr. Bertoch replied that he has researched property values and it would be too difficult for his aunt to afford the increase. Chairman Fuller stated that his concern is putting a commercial lot in the middle of two residential ones. Mr. Bertoch indicated that the type of building will fit the neighborhood very well. He added that there won't be a lot of traffic as customers don't often come to the building and employees live in the neighborhood.

Jack Matheson stated that he feels constructing a large building will be very inconvenient for the property owner to the east. Henry Bertoch, a neighbor in the area and relative of the applicant, indicated that his aunt is aware of the proposal and she supports it. He stated that his family hopes she is around for a lot longer and Mr. Bertoch would never do anything to make her life more difficult. He stated that he owns the rest of the property in the area and he supports this proposal.

Phil Conder stated that he feels okay with this proposal because it seems to fit well in

this neighborhood. He added that he isn't worried about the property owner to the east since it is a direct relative of the applicant. Terri Mills stated that she is concerned the property to the east will not be sold and will cause spot zoning in the area. She stated that she would be more comfortable if there was a written agreement stating that Mr. Bertoch will gain first right of purchase. Jack Matheson stated that he is still concerned with landscaping. Phil Conder replied that landscaping requirements will have to be met regardless as required in the ordinance.

There being no further discussion regarding this application, Chairman Fuller called for a motion.

Motion: Commissioner Conder moved for approval of the zone change from A to C-1 and the General Plan change from medium density residential to neighborhood commercial.

Commissioner Garcia seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Woodruff	No
Chairman Fuller	No

Split –GPZ-2-2011 – Fails

Chairman Fuller called for a second motion.

Motion: Commissioner Woodruff moved for continuance to allow the applicant time to acquire written documentation that the owner of the property to the east will sell her property to the applicant at a later date.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous –GPZ-2-2011 – Continued

ZONE CHANGE APPLICATION

Z-6-2011

George Carey

2471 South 7200 West
A to M
1.14 acres

BACKGROUND:

George Carey is requesting a zone change for a 1.14 acre parcel located at 2471 South 7200 West from A (agricultural) to M (manufacturing). Surrounding zones are primarily M to the north and east, and A to the south.

ISSUES:

This property is located in an area that is largely zoned M, and while there is single-family land use to the south, the area is largely expected to transition to industrial land use, particularly to the east, where there are large vacant parcels.

The property immediately abutting the subject property on the north side is also owned by the applicant, and is zoned M. The current land use is a single family home. The subject property is designated as light manufacturing in the West Valley City General Plan.

The applicant has requested the zone change in order to help facilitate sale of the land to a third party, which intends to build a convenience store on the site. The zone change will allow the convenience store as a conditional use. The current A zoning is leftover from before the city incorporated. A home currently extends from the M zoned parcel to the north onto the A zoned parcel in question. As the parcel is surrounded on three sides by M zoning, staff believes that it was simply an oversight that the zoning on this property was never changed.

STAFF ALTERNATIVES:

1. Approval of the zone change.
2. Continuance to address issues raised during the public hearing.
3. Denial.

Applicant:

George Carey
12069 Hidden Valley Club Dr.
Sandy, UT

Neutral:

Mary Perez
5327 W Cosmo Circle

Discussion: Steve Pastorik presented the application. Phil Conder asked why the applicant didn't petition to change this property to commercial. Steve replied that he wanted to correct the problem left by the County as well as clean up the zoning in the area. Steve added that there also needs to be a contiguous 5 acres of commercial property per district and this would not meet that requirement.

George Carey, the applicant, stated that the zoning should be changed whether or not the 7 Eleven convenience store goes through. He stated that he feels this is a great location for a gas station.

Mary Perez, a neighbor to the east, stated that she is concerned with animals on the section of property that neighbors hers and questioned why this has been allowed since the property is zoned manufacturing. Steve replied that manufacturing is the

least restrictive zone and does allow for agricultural uses. Ms. Perez asked if there is a time frame on the construction of the convenience store. Brent Fuller replied that there isn't one yet since this is only at the zone change level. Steve added that the property owner is preparing the property to sell to 7 Eleven. Ms. Perez indicated that she would like the property next to hers cleaned up and maintained. Steve referred her to the Code Enforcement/ Animal Control Departments.

Phil Conder stated that he feels commercial is a buffer between agricultural and manufacturing. He stated that if something doesn't change, the 'M' zoning will keep expanding and there won't be much opportunity to change it. Jack Matheson replied that he feels the most commercial this area will get is this convenience store and added that he doubts this will ever be a largely commercial area. Harold Woodruff stated that this looks like something that should be cleaned up regardless because it is an A zone completely surrounded by M zones. Terri Mills asked if there is a minimum lot size for manufacturing uses. Steve replied no. Joe Garcia stated that he feels the convenience store use will be great here.

There being no further discussion regarding this application, Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for approval.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous –Z-6-2011 – Approved

CONDITIONAL USE APPLICATIONS

C-31-2011

A Gentle Animal Center (Dr. Brent Hagloch)

4577 South 4000 West

C-2 Zone (1.03 Acres)

The applicant, Dr. Brent Hagloch, is requesting a conditional use for an animal care center. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zone is all C-2. The use to the north is a Sonic Restaurant, to the east in Home Depot, west in a Fresh Market and south is mixed retail.

This facility was originally approved in 2002 (C-27-2002) as a Hollywood Video store. That use has since vacated the site and the applicant plans on opening an animal care center in the

existing 6500 square foot building.

The interior of the building will be divided up to house four different components. The first is A Gentle Vet, which is a veterinary clinic. This clinic has been operated by Dr. Hagloch since 1991. The second is Awash N Groom pet groomery (702 square feet). Self service stations will be provided for pet owners who wish to groom their animals themselves, or a staff person will be available to perform grooming services. The third use is A Pet Play and Stay, which is a 2000 square foot indoor daycare facility for cats and dogs. The service is primarily for day use, however, there will also be facilities provided for dogs and cats to stay overnight. The last use is Pet's Juice an' Spruce. This is a 932 square foot retail component that will provide pet only nutritional products and supplements, health supplies and clothing.

The building is a pad site in a larger shopping center so there is a lot of parking provided for the site. There are 63 parking spaces provided and 26 are required for this mix of uses.

Wall signage will be provided on the building for each tenant. Ten square feet of signage is allowed on the front of the building and the remaining sides are each permitted to have 5%, per the WVC Sign Code. There is also an existing multi-tenant pole sign on this site that the applicant will utilize.

The site is existing and in need of some maintenance due to the lack of occupancy in this building. This will be addressed by the applicant when the tenant finish improvements are conducted and the site. The landscaping will be improved per the original approved site plan from C-27-2002, and the existing dumpster fencing will need to be repaired.

Attached is a business description from the applicant with further details on the services provided.

Staff Alternatives:

Approval, subject to the resolution of any concerns raised at the public hearing, as well as the following conditions:

1. All uses must remain inside of the building. Animals can not be kept outside for any reason.
2. Landscaping shall be completed per the approved site plan from application C-27-2002.
3. Must comply with any standards set forth by other affected Departments and agencies including but not limited to, Granger Hunter Improvement District, West Valley City Animal Control and the Salt Lake Valley Health Department.
4. The dumpster enclosure fencing shall be repaired and maintained.
5. Must obtain a valid West Valley City Business License.
6. Shall meet all requirements of the West Valley City Sign Ordinance.
7. Subject to review upon valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing.

Applicant:

Brent Hagloch
650 N Jessis Meadow Dr.
Bountiful, UT

Discussion: Jody Knapp presented the application. Phil Conder asked what element makes this item a conditional use. Jody replied that it is a veterinary clinic and indoor kennel.

Brent Hagloch, the applicant, stated that he has been a veterinary consultant for the West Valley City animal shelter for many years now. He stated that this building has been vacant for a few years and this is an excellent opportunity for him to expand into a larger clinic. He stated that this building is also located in the middle of his clientele which will also be very beneficial to his business. Terri Mills commented that the south elevation is missing some landscaping and she suggested adding a vertical element, such as vines, to help improve this. Mr. Hagloch replied that he takes great care of his facilities and stated that ensuring that landscaping is up to code and well maintained is something that is very important for him. He explained that his facilities are always very clean and self contained.

Commissioner Mills suggested a solid gate rather than a chain link one for the dumpster. Jack Matheson stated that he feels this is a great use for the building.

There being no further discussion regarding this application, Chairman Fuller called for a motion.

Motion: Commissioner Matheson moved for approval subject to the 7 staff conditions.

Commissioner Conder seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous –C-31-2011 – Approved

C-32-2011

Verizon Wireless

2777 South Corporate Park Drive

B/RP Zone 8.3 Acres

Verizon Wireless is requesting conditional use approval for antennas mounted on the roof of the Verizon Wireless Call Center building located at 2777 Corporate Park Drive. This

property is zoned Business/Research Park (B/RP) and is approximately 8.3 acres. The West Valley City General Plan designation for this property is business park. The property is part of the Lake Park Corporate Center.

The Wireless Communications Facilities ordinance requires that roof mounted antennas in an RB zone be processed as a conditional use. Verizon is requesting conditional use approval for four different skid mounts on the roof, two now and two in the future. Each skid mount would have four individual antennas. The closest point of the antenna structure to any parapet wall is approximately ten (10) feet. The tops of the antennas will be 10' above the roof deck and 7' above the top of the parapet wall. All associated equipment for the antennas will be housed in a separate room on the ground floor of the building.

Section 7-23-206(2)(a) requires that roof mounted antennas be visually screened so as to appear to be part of the structure on which they are mounted. This screening requirement may be waived by the Planning Commission if the screening would be more visually intrusive than the antennas and support structure without the screening. In the past with these types of roof mounted applications it was felt by both staff and the Planning Commission that the antennas would be less obtrusive without the screening and that the wind loading on the roof would be reduced. Staff also supports this request with this application.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing.
- Continuance, to allow for the resolution of any issues raised at the public hearing that need more time to be addressed.

Applicant:

Pete Simmons
9847 S 500 W
Sandy, UT

Discussion: Ron Weibel presented the application. Pete Simmons, the applicant, stated that Verizon Wireless is requesting four antennas at this location to meet wireless needs in the area. He stated that only two will be installed in the northwest and southeast corners at this time. Mr. Simmons indicated that he felt adding any type of screening would be more visually intrusive than the antennas themselves. Terri Mills asked if making the antennas a lighter color would be a possibility so that they would be less visual. Mr. Simmons replied yes and added that the antennas will definitely be painted a lighter color to better blend in with the building. Commissioner Mills questioned if moving the antennas further from the edge of the rooftop would be a possibility so they are less visible from the street. Mr. Simmons replied that if they are moved too far back, the signal gets blocked by the rooftop and parapet. He added that Verizon holds events in their parking lot from time to time and the antennas being further back would cause problems with this as well. Ron stated that any programs or activities held in the parking lot must be an approved temporary use and must get a temporary use permit.

There being no further discussion regarding this application, Chairman Fuller called

for a motion.

Motion: Commissioner Conder moved for approval.

Commissioner Matheson seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes
Commissioner Matheson	Yes
Commissioner Mills	No
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Majority –C-32-2011 – Approved

C-33-2011

Diamond Rental

3752 W. 4700 S.

C-2 Zone 1.41 Acres

Diamond Rental is requesting conditional use approval for a home improvement/equipment rental store at 3752 W. 4700 South. This property is zoned general commercial (C-2) and is approximately 1.41 acres. The West Valley City General Plan designation for this property is general commercial.

The property was originally developed as a gas station and convenience store, and has since been used as a used car lot by two different companies. Access to the site is restricted to a right-in/right-out from 3740 West due to the proximity of Bangerter Highway directly to the west of the property. This may be part of the reason that businesses have not survived at this location. Diamond Rental considers their business a “destination” and not an “impulse” business and does not see the restricted access issue as a problem for them.

Diamond Rental caters to the homeowner and small contractor and rents smaller equipment ranging from hand tools to small excavators. Many of their 13 locations throughout the valley are in commercial areas and draw from homes and businesses within a 3 to 5 mile radius. They will use the site as it is laid out and have storage behind the building, to the north. They are proposing to put a fence around that portion of the site and staff is suggesting that at least the north and east portions of this wall be concrete or masonry to visual shield the storage area from the businesses to the north and east.

Diamond Rental will bring the landscaping up to the standards required in the original conditional use approval for this site, and will also paint the exterior of the building. The color scheme for their stores is a sand color with royal blue accents.

Staff Alternatives:

- Approval, subject to the resolution of any issues raised at the public hearing and the following conditions:

1. A six (6) foot high fence shall be installed to screen the storage area of the yard from adjacent uses, and the north and east portions of this fence shall be concrete or masonry.
 2. All site landscaping shall be returned to what was originally approved.
 3. All signs shall meet the requirements of the West Valley City ordinance.
 4. All requirements of other affected departments or agencies shall be met.
- Continuance, to allow for the resolution of any issues raised at the public hearing that need more time to be addressed.

Applicant:

Mark Clawson
4518 S 500 W

Discussion: Ron Weibel presented the application. Terri Mills asked if the chain-link fence on the south side of the property is temporary. Ron replied yes and indicated that it was likely placed there by one of the used car dealerships. Phil Conder asked if the 6 foot masonry fence will be for security or screening purposes. Ron replied that it will be for both. It will provide a visual buffer for the Riverton Music Building and the University Clinic as well as provide security for the applicant. Commissioner Conder stated that he is concerned it will be a target for graffiti. Ron replied that this will have to be addressed as it occurs. He added that the owner of Riverton Music called and specifically requested that there be a fence to provide a visual buffer for customers.

Mark Clawson, representing the applicant, stated that this location should work well for the Diamond Rental business. He briefly described how the company works and what types of services they offer. Joe Garcia asked if there will be any lighting installed. Mr. Clawson replied that the lighting already installed is adequate. He stated that a masonry wall is more expensive than some type of steel one but he is willing to abide by whatever the City determines is appropriate. He stated that graffiti has been a slight problem at other sites and is just something that must continually be maintained. Ron indicated that staff is mostly concerned that there be a visual buffer. He stated that chain-link fences with slats don't work well for that purpose. Brent Fuller asked what the largest equipment on site will be. Mr. Clawson replied that tools range from common household ones to something as large as a bobcat or mini excavator which will be stored outside.

There being no further discussion regarding this application, Chairman Fuller called for a motion.

Motion: Commissioner Garcia moved for approval subject to the 4 staff conditions.

Commissioner Woodruff seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Garcia	Yes

Commissioner Matheson	Yes
Commissioner Mills	Yes
Commissioner Woodruff	Yes
Chairman Fuller	Yes

Unanimous –C-33-2011 – Approved

PLANNING COMISSION BUSINESS

Approval of minutes from September 28, 2011 (Regular Meeting) **Approved**

Approval of minutes from October 5, 2011 (Study Session) **Approved**

There being no further business, the meeting adjourned at 5:25 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant